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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91184529
Party	Defendant Global Tissue Group, Inc.
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Submission	Answer
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Date	10/07/2009
Attachments	Answer to Amended Notice of Opposition.pdf (5 pages)(128483 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEALS BOARD**

In Re Application: 77/354,616
Filed: January 4, 2008
Published: May 20, 2008
For: QUILTY

GEORGIA-PACIFIC CONSUMER PRODUCTS LP

Opposer,

v.

GLOBAL TISSUE GROUP, INC.

Applicant.

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)
)
) Opposition No. 91184529
) Serial No. 77/364,616
)
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)

**ANSWER TO AMENDED NOTICE OF OPPOSITION,
AND AFFIRMATIVE DEFENSES**

Applicant, Global Tissue Group Inc., through its undersigned counsel, hereby timely files its Answer to Amended Notice of Opposition and Affirmative Defenses in response to the Amended Notice of Opposition filed by Opposer, Georgia-Pacific Consumer Products LP. Applicant answers the specific allegations contained in Opposer's Amended Notice of Opposition as follows:

1. Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 1 and therefore denies those allegations.
2. Applicant lacks sufficient information to either admit or deny the allegations concerning the scope of Opposer's business as alleged in Paragraph 2 and therefore denies those allegations. All other allegations in Paragraph 2 are denied.
3. Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 3 and therefore denies those allegations.
4. Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 4 and therefore denies those allegations.

5. Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 5 and therefore denies those allegations.

6. Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 6 and therefore denies those allegations.

7. Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 7 and therefore denies those allegations.

8. Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 8 and therefore denies those allegations.

9. Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 9 and therefore denies those allegations.

10. Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 10 and therefore denies those allegations.

11. Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 11 and therefore denies those allegations.

12. Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 12 and therefore denies those allegations.

13. Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 13 and therefore denies those allegations.

14. Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 14 and therefore denies those allegations.

15. Denied.

16. Denied.

17. Denied.

18. Admitted.

19. Denied.

20. Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 20 and therefore denies those allegations.

21. Applicant denies the allegations contained in the first sentence of Paragraph 21. Applicant lacks sufficient information to either admit or deny the allegations in the second sentence of Paragraph 21 and therefore denies those allegations. Applicant admits the remainder of the allegations contained in Paragraph 21.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

AFFIRMATIVE DEFENSES

As its affirmative defenses to the Amended Notice of Opposition, Applicant alleges as follows:

27. Opposer fails to state a claim upon which relief can be granted.

28. Opposer is not likely to be damaged by registration of Applicant's mark and therefore, Opposer lacks standing to oppose registration of same.

29. Opposer's opposition is barred by the doctrine of unclean hands.

30. The terms "QUILT" and "QUILTED" for the relevant goods are generic or highly descriptive and to which no party may claim exclusive rights.

31. Opposer has disclaimed rights to the terms "QUILT" and "QUILTED" in its trademark applications and registrations, and cannot assert exclusivity with respect to those terms with respect to the relevant goods.

32. Numerous third parties, which on information and belief are unrelated to Opposer and unlicensed by Opposer, are using the terms "QUILTED", "QUILT" and other quilt-formative marks in connection with the same goods as the relevant goods in this Opposition. In addition, there are several other QUILTED-formative marks coexisting with Opposer's marks both on the PTO register and in the marketplace, including Procter & Gamble's registrations for THE STRONG QUILTED PICKER

UPPER Reg. No. 3178381 and BOUNTY DOUBLE QUILTED Reg. No. 2533080, and Kruger Products' registration for QUILTED POCKETS Reg. No. 3315444, all for paper towels. The co-existence of these QUILT-formative marks for the relevant goods in International Class 16 limit the distinctiveness of Opposer's referenced marks and demonstrate the public's ability to distinguish among the marks.

33. There is widespread third party use of the terms QUILT and QUILTED in the relevant industry, rendering all of such terms incapable of serving as source identifiers by themselves.

34. Opposer's purported rights to the term QUILTED and QUILT are inferior to third parties who use those terms in the relevant industry.

35. The terms "QUILT" or "QUILTED" as used by Opposer in all of its marks are the inferior parts of each mark, as evidenced by Opposer's own disclaimers, and Applicant does not use any of the dominant portions of such marks, making the likelihood of confusion between Applicant's mark and any of Opposer's marks highly unlikely.

36. Applicant's use of the merely suggestive and independently coined term QUILTY has not and will not cause the public to mistakenly believe that Applicant's goods originate from the same source as Opposer's goods, nor will such use be thought by the public to be a use by Opposer or with Opposer's authorization and consent.

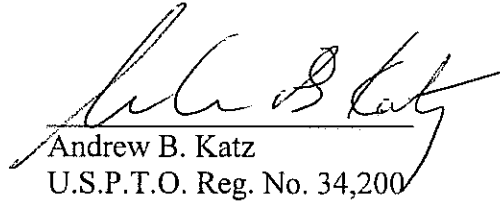
37. Applicant's mark QUILTY in its entirety is sufficiently distinctive and different from all of Opposer's marks to avoid confusion, deception or mistake as to the source, sponsorship or association of Applicant's goods with Opposer.

38. Opposer's claims are barred by the doctrine of laches, estoppel, acquiescence and/or waiver in relation to numerous third party uses of the term "QUILT" and "QUILTED" used on or in connection with a wide variety of goods and services.

WHEREFORE, Applicant requests that this Opposition proceeding be dismissed and that its application for registration of its design be allowed to register.

Respectfully submitted,

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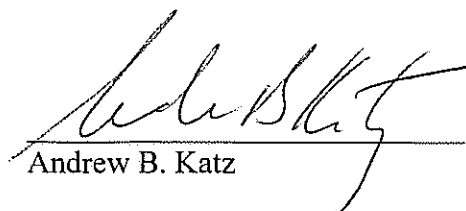
COUNSEL TO GLOBAL TISSUE GROUP, INC.

DATED: October-7, 2009

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Global Tissue Group Inc.'s Answer to Amended Notice of Opposition and Affirmative Defenses was served by email and First Class Mail, postage prepaid, on this 7th day of October, 2009 on the following:

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